

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE VIVINT SOLAR, INC. SECURITIES
LITIGATION

Master File No. 1:19-cv-05777-FB-JO

[PROPOSED] SCHEDULING ORDER

WHEREAS, on October 11, 2019, and October 31, 2019, two different putative class action lawsuits were filed in this Court against Vivint Solar, Inc., David Bywater, and Dana Russell (“Defendants”), respectively captioned *Crumrine v. Vivint Solar, Inc., et al.*, No. 1:19-cv-05777-FB-JO, and *Li v. Vivint Solar, Inc., et al.*, No. 2:19-cv-06165-FB-JO.

WHEREAS, on March 27, 2020, the Court consolidated the two actions and appointed Billy Wallace and Kyu S. Jang to serve as Lead Plaintiffs and Bragar Eagel & Squire, P.C. to serve as Lead Counsel.

WHEREAS, Lead Plaintiffs’ counsel has met and conferred with Defendants’ counsel concerning the schedule for Lead Plaintiffs’ filing a consolidated complaint and Defendants’ response thereto.

NOW THEREFORE, subject to the Court’s approval, the following schedule shall apply to Lead Plaintiffs’ consolidated complaint and Defendants’ response thereto:

1. Defendants’ counsel is authorized to accept service of process for unserved Defendants, without prejudice and without waiver of any rights, defenses, objections, legal deficiencies, or arguments in this matter or any other matter, including without limitation any arguments regarding personal jurisdiction, forum or venue, except as to sufficiency of service of process.
2. Lead Plaintiffs shall file a consolidated complaint within 60 days of this Order.

3. Within 30 days of the consolidated complaint being filed, Defendants shall answer or file a request for a pre-motion conference pursuant to Section 2.A. of Judge Block's Individual Motion Practices and Rules.
4. Following the pre-motion conference, if one is scheduled, or following this Court's determination that a pre-motion conference is not required, the parties shall agree on a briefing schedule for any motion that is to be filed in response to the consolidated complaint.

Dated: April 30, 2020

BRAGAR EAGEL & SQUIRE, P.C.

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Dated: April 30, 2020

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Counsel for Defendants

IT IS SO ORDERED.

Dated: _____, 2020
